

U.S. Patent Application Serial No. **10/566,273**  
Response filed April 10, 2009  
Reply to OA dated January 12, 2009

**REMARKS:**

Claims 1, 3-10, and 12-16 are currently being examined. Claims 1, 9, and 14-16 have been amended herein.

1. The Examiner has rejected claims 1, 3-10, and 12-16 under the second paragraph of 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner has suggested that claims 1, 9, and 14-16 have some noted informalities. Accordingly, in response, Applicants have amended claims 1, 9, and 14-16 in a manner intended to remove the noted informalities.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claims 1, 9, and 14-16 should be withdrawn. It is submitted that this rejection of claims 3-8, 10, and 12 should be withdrawn by virtue of their dependency.

2. The Examiner has rejected claims 1, 5-10, and 16 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,176,506 (Siebel '506).

Applicants respectfully traverse this rejection, for the following reasons.

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There are substantial, important differences between the art relied upon by the Examiner and the features set forth in the claims in issue.

The Examiner has suggested that the filter 170 of **Siebel '506** corresponds to the "a floating type wave-suppressing member" as set forth in claim 1 (Office Action dated January 12, 2009; page 3, line 20 to page 4, line 7).

The filter 170 of **Siebel '506** is a "generally circular shaped screen member" (column 6, lines 8-11). A snap ring 172 is used to retain filter 170 in place (column 6, lines 11-14). The outer peripheral edge of filter 170 is seated on a shoulder 174 formed on base 14 and is clamped there (column 6, lines 14-16). The filter 170 is held at a particular location because of the snap ring 172, the base 14, and the shell 10.

**The filter 170 is not a floating type wave-suppressing member extending astride the interface between the working fluid and the refrigeration oil of an oil reservoir.**

**Siebel '506** fails to expressly or inherently describe the combination of features as set forth in claim 1 including the following features: "a floating type wave-suppressing member is provided in an interface between the working fluid and the refrigeration oil of said reservoir, wherein said wave-suppressing member comprises a divided member which extends astride said interface to

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divide said interface into a plurality of pieces," in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 1 is improper and should be withdrawn. It is submitted that this rejection of claims 5-10 and 16 should be withdrawn by virtue of their dependency.

3. The Examiner has rejected claims 1, 3, 4, 12, 14, and 15 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,167,719 (Yakumaru '719).

Applicants respectfully traverse this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the features set forth in the claims in issue.

Claims 1, 3, 4, 12, 14, and 15:

The Examiner has suggested that the float 71 of **Yakumaru '719** corresponds to the "floating type wave-suppressing member" as set forth in claim 1 (Office Action dated January 12, 2009; page 6, lines 10-17).

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The Examiner has asserted that "the float unit also comprises a suction pipe (67) as well as a shut off plate (74) and an oil partition (66), both of which divide the interface between the oil and the refrigerant into a plurality of pieces" (Office Action dated January 12, 2009; page 6, lines 14-17).

Applicants respectfully believe that the Examiner's assertions regarding the float 71 and a "float unit" are improper for several reasons: The suction pipe 67 is not floating, the suction pipe 67 is above the oil reservoir 60A and is not astride the interface (Figure 7), the shut off plate 74 is not floating, the shut off plate 74 is mounted (Figure 7; column 6, lines 34-40), and the oil partition 66 is not floating.

**Yakumaru '719** fails to expressly or inherently describe the combination of features as set forth in claim 1 including the following features: "a floating type wave-suppressing member is provided in an interface between the working fluid and the refrigeration oil of said reservoir, wherein said wave-suppressing member comprises a divided member which extends astride said interface to divide said interface into a plurality of pieces," in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 1 is improper and should be withdrawn. It is submitted that this rejection of claims 3, 4, 12, 14, and 15 should be withdrawn by virtue of their dependency.

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Claim 12:

The Examiner has asserted that the following **four components** of **Yakumaru '719 together** comprise the "floating type wave-suppressing member" as set forth in claims of the subject application: float 71, suction pipe 67, shut off plate 74, and oil partition 66.

The Examiner relies on shut off plate 74 and oil partition 66 to attempt to show a divided member which extends astride an interface and divides the interface into a plurality of pieces.

As set forth in claim 1, the "floating type wave-suppressing member" comprises the "divided member."

The density of the floating type wave-suppressing member is set forth in claim 12.

The Examiner has not demonstrated that the density of those **four components** corresponds to the density of the floating type wave-suppressing members as set forth in claim 12 of the subject application. The densities of elements 67, 74, and 66 fail to describe the density as set forth in claim 12.

**Yakumaru '719** fails to expressly or inherently describe the combination of features as set forth in claim 12 including the following features: "wherein bulk density of said floating type wave-

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suppressing members is set greater than density of the working fluid and smaller than density of the refrigeration oil," in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 12 is improper and should be withdrawn.

4. The Examiner has rejected claim 13 under 35 U.S.C. §103(a) as obvious over **Siebel '506** in view of U.S. Patent No. 6,264,448 (**Itoh '448**).

Applicants respectfully traverse this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the features set forth in the claims in issue.

**Itoh '448** fails to remedy the above-described deficiencies of **Siebel '506** regarding claim 1.

**Siebel '506** and **Itoh '448**, alone or in combination, fail to describe, teach, or suggest the combination of features as set forth in claim 1 including the following features: "a floating type wave-suppressing member is provided in an interface between the working fluid and the refrigeration oil of said reservoir, wherein said wave-suppressing member comprises a divided member which

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extends astride said interface to divide said interface into a plurality of pieces," in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 13 should be withdrawn by virtue of its dependency.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,  
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Enclosure: Request for Continued Examination (RCE)